

Tips for Courtroom Trial and Hearing Practice before Magistrate Judge Cherry

1. Jury Trial Daily Schedule

The usual jury trial schedule begins at 8:30 a.m. and continues after a convenient midmorning break (of approximately ten minutes) until at or near noon. Lunch is usually one hour, but has been less. After the lunch break, the afternoon session normally continues until approximately 4:30 p.m. with two mid-afternoon recesses of approximately ten minutes each. Times to recess and adjourn may vary slightly, to permit the conclusion of a witness' testimony, to allow counsel to finish with direct or cross-examination, or if the court must attend to other business.

2. Formality at Trial/Hearing

In the courtroom during hearings, do not exhibit familiarity with witnesses, jurors, or opposing counsel. In a court hearing, do not address anyone by first name. During argument to the jury, do not address a juror or individually by name.

3. Counsel Conduct in Courtroom During Trial

During a trial, counsel need not request permission to approach a witness. When speaking in open court, counsel must be in front of the nearest courtroom microphone. When giving opening statements and closing arguments, counsel shall refrain from invading the personal space of jurors.

4. Marking of Exhibits

All exhibits shall be marked and numbered or lettered prior to trial. Copies of the exhibits shall be provided to opposing counsel and to the Court. The Plaintiff (or Government in criminal cases) uses numbers to identify exhibits. The Defendant uses letters to identify exhibits.

5. Witness Availability

Do not run out of witnesses resulting in a gap in time between witness testimony. If there is a substantial delay between witnesses, the Court has the authority to declare that you have rested from presentation of evidence.

6. Spelling Names

Whenever asking a witness the first question, i.e., to identify himself or herself, ask the witness to spell his or her first and last name.

7. Expert Testimony

Although it is required that the qualifications of any expert witness be established by evidence, do not request the Court to declare him or her to be "an expert."

8. Juror Notetaking; Exhibit Use

Jurors are permitted to make individual notes during testimony. Juror notes as well as all documentary trial exhibits will go into the jury room for their use during deliberations.

9. Food and Beverage

Food and beverage are not permitted in the courtroom except for bottled water. A pitcher of water and cups are available for each counsel table and for the witness stand.